

CONFERENCE OF THE EIGHTEEN-NATION COMMITTEE
ON DISARMAMENT

ENDC/PV.335
3 October 1967
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FINAL VERBATIM RECORD OF THE THREE HUNDRED AND THIRTY-FIFTH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 3 October 1967, at 10.30 a.m.

Chairman:

Mr. N. ECOBESCO

(Romania)

PRESENT AT THE TABLE

Brazil:

Mr. A.F. AZEREDO da SILVEIRA
Mr. A. da COSTA GUIMARAES
Mr. S. de QUEIROZ DUARTE
Mr. J. NOGUEIRA FILHO

Bulgaria:

Mr. K. CHRISTOV
Mr. B. KONSTANTINOV
Mr. T. DAMIANOV

Burma:

U MAUNG MAUNG
U KYAW MIN

Canada:

Mr. E.L.M. BURNS
Mr. A.G. CAMPBELL
Mr. J.R. MORDEN
Mr. A. BERNIER

Czechoslovakia:

Mr. P. WINKLER
Mr. V. VAJNAR
Mr. J. STRUCKA

Ethiopia:

Mr. A. ZELLEKE

India:

Mr. V.C. TRIVEDI
Mr. N. KRISHNAN
Mr. K.P. JAIN

Italy:

Mr. R. CARACCILO
Mr. G.P. TOZZOLI
Mr. E. FRANCO
Mr. F. SORO

Mexico:

Miss E. AGUIRRE

Nigeria:

Alhaji SULE KOLO
Mr. B.O. TONWE

Poland:

Mr. M. BLUSZTAJN

Mr. E. STANIEWSKI

Romania:

Mr. N. ECOBESCO

Mr. O. IONESCO

Mr. C. GEORGESCO

Mr. A. COROIANU

Sweden:

Mrs. A. MYRDAL

Mr. H. EWERLOF

Mr. R. BOMAN

Union of Soviet Socialist
Republics:

Mr. A.A. ROSHCHIN

Mr. M.V. ANTYASOV

Mr. V.V. SHUSTOV

United Arab Republic:

Mr. H. KHALIAF

Mr. A. OSMAN

Mr. O. SIRRY

Mr. M. SHAKER

United Kingdom:

Sir Harold BEELEY

Mr. I.F. PORTER

Mr. R.I.T. CROMARTIE

United States of America:

Mr. A.S. FISHER

Mr. S. DePALMA

Mr. G. BREAM

Mr. A.F. NEIDLE

Special Representative of the
Secretary-General:

Mr. D. PROTITCH

Deputy Special Representative
of the Secretary-General:

Mr. W. EPSTEIN

1. The CHAIRMAN (Romania) (translation from French): I declare open the 335th plenary meeting of the Conference of the Eighteen-Nation Committee on Disarmament.
2. Mrs. MYRDAL (Sweden): By now the Eighteen-Nation Committee on Disarmament should have not only entered but also concluded the decisive negotiating stage as far as a text for a non-proliferation treaty is concerned. However, the time left for this Committee to complete its work on such a draft treaty is precariously short; in fact it may be running out within a week or two. The other Member States of the United Nations will be clamouring to receive the report of this Committee very soon in order to make their contribution under General Assembly agenda item 28, which deals with the same subject and which is expected to usher in the deliberations in the First Committee, where also other important disarmament issues on the agenda of the Assembly are pressing for attention.
3. The Swedish delegation must voice its regret that the method of work this year has resulted in such an unfortunate time-table. We now find ourselves with an avalanche of suggestions and amendments worthy of profound scrutiny. At the time when the decision was taken last spring that the Eighteen-Nation Committee on Disarmament should interrupt its session, the Swedish delegation expressed its concern that this Committee and particularly its non-aligned members were not given an opportunity to be directly consulted, a role reserved for those belonging to either of the two European military alliances.
4. Since the waiting period for the main parts of a treaty draft ended on 24 August -- an occasion which was hailed with enthusiasm as a fact of great political impact -- the members of the Eighteen-Nation Committee have had just the time to present a first round of their suggestions; there seems to be no time available to go into a second round after the responses by the co-Chairmen as authors and initiators of this important proposal (ENDC/192, 193) have been heard and studied. Even further rounds ought to have been envisaged in view of the importance of our negotiating task, because, as you, Mr. Chairman, in your capacity as representative of Romania, stated at our last meeting (ENDC/PV.334, para.49), the identical drafts are to be considered not as submitted on a "take it or leave it" basis but as points of departure for discussion and negotiation, as was also indicated by Mr. Foster in his presentation speech (ENDC/PV.325, para.8), in which he foresaw suggestions which would lead to improvements.

(Mrs. Myrdal, Sweden)

5. We also note with deep regret and considerable apprehension the prolonged delay in the co-Chairmen's submission of a joint proposal in regard to article III, on international control. It would seem indispensable that the period of consultations among allies on the control issue be utilized also for parallel discussions in this Committee. Such a procedure would not only save precious time; it would conceivably also be beneficial to the further negotiations between the two co-Chairmen and to their consultations with allies to have all suggestions on the table as early as possible.

6. Suggestions, amendments and considerations are being and may continue to be presented in relation to all the different parts of the treaty. That is only to be expected as normal and natural in international negotiations, particularly those of great and immediate concern to many governments. Political reality requires that their varying interests be expressed; thereafter the act of political compromise consists of achieving what might be likened to an orchestration -- and no wonder, if it needs many rehearsals.

7. In speaking today I thus feel confronted with an embarras de choix. The Swedish delegation has studied most carefully the identical draft texts of a non-proliferation agreement presented by the United States and the Soviet Union, as well as the numerous interventions and suggestions which have been coming forward since then. I particularly want to state our appreciation of the interest expressed and comments made in regard to my speech on 31 August (ENDC/PV.327), when I introduced our suggested text (ENDC/195) of a control article, article III in the treaty document.

8. My statement today will deal with some selected points which we consider to be of special importance and on which we feel that progress towards a reasonable meeting of minds should be possible. In so doing I am mindful of the fact that we have not yet reached the stage where our Governments must finally take positions with regard to the treaty as a whole. We are in a preliminary stage, doing collective work as a kind of drafting committee whose duty it is to arrive at a text which is coherent and seems to stand a chance of being accepted by the vast majority of countries. Obviously this kind of drafting requires not only penmanship but also a conspectus of political considerations of a many-sided kind. When the governments have to decide whether to sign or not to sign a treaty, they should have at hand the product of our best labour. We are not yet there; that is a reservation which I have always maintained but want to mention again today explicitly on behalf of my own Government.

(Mrs. Myrdal, Sweden)

9. In regard to the main articles, I and II, the Swedish delegation does not at the present juncture want to express an opinion on the suggestions for amendments made by the delegation of the United Arab Republic on 26 September (ENDC/197).

Although we are in sympathy with the purport of those amendments, we should first wish to hear the views on them of other delegations and particularly of the two delegations responsible for the original drafting of the treaty text. The same applies to the suggestions proffered by the representative of India at our last meeting (ENDC/PV.334).

10. For the time being, I wish to emphasize that for the main purposes of the treaty these major articles must be made fully trustworthy by means of an effective safeguard system. We naturally consider that the control article put forward by the Swedish delegation in document ENDC/195 fulfils the objective of being effective and at the same time to a certain extent non-discriminatory. We definitely hope that the draft text of an article III which the co-Chairmen will ultimately present to the Committee will contain such elements as are included in our text.

11. I want to give notice now, however, that in regard to details -- for instance, the prescribed length of any transitional period, the pieces of wording borrowed from earlier presentations of the same ideas, and such matters -- we ourselves intend to suggest revisions when we encounter other formulae which can be agreed upon. However, the one element aiming at less discrimination, by suggesting that all transfers of material between all countries should be accompanied by safeguards ensuring its use in peaceful activities only, is one that should be revised in one direction only: towards more comprehensive control, not less. That is a claim which has been supported by several speakers during the past few weeks.

12. However, there is another matter in relation to articles I and II, as well as to pertinent parts of the preamble, which calls for attention. One of the points where considerable clarification has occurred and where the negotiations obviously have inched forward towards a potentially-positive conclusion concerns the delicate issue of so-called peaceful nuclear explosions. A large number of interventions have dealt with that matter. Some of them were offered before the draft texts were submitted. I myself devoted one speech to that question on 6 June (ENDC/PV.302).

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13. Some of the viewpoints expressed by members of this Committee and by delegations in the United Nations have obviously found coverage in the formulae in the draft preamble about non-discriminatory access for all countries to the potential benefits of such undertakings. The interventions of the representatives of Canada on 12 September (ENDC/PV.329, paras. 12 et seq.) and of Mexico on 19 September (ENDC/PV.331, paras. 12 et seq.) have brought that thinking further forward by stressing the need for a separate convention covering the implementation of nuclear explosions for peaceful purposes. My delegation finds the formal proposal by the Mexican delegation (ENDC/196) a very useful one: in it the elements at present in the draft preamble pertaining to explosions have been arranged, with some changes, to form an article called provisionally article IV-A.

14. However, we should still need an explicit assurance from the co-Chairmen that the arrangements now envisaged would be truly non-discriminatory -- that is, would apply to all States irrespective of whether or not they possess nuclear weapons. Thus they would not stand in the way of a better solution of this problem. That would be linked to a comprehensive test-ban treaty, as I suggested in the statement to which I have just referred (ENDC/PV.302, paras. 16 et seq.). While the non-proliferation treaty would prohibit the manufacture of nuclear explosive devices which could be used as nuclear weapons and would also provide for control of such manufacture, the test-ban treaty should prohibit all nuclear explosions, also covering them in their entirety with its system of control.

15. Simultaneously a fully equitable access to the use of nuclear explosive devices -- that is, explosions for peaceful purposes by nuclear- and non-nuclear-weapon countries alike -- ought to be ensured by the separate agreement providing for a licensing arrangement carried out through an international body. Such a solution would even have made it possible -- on the condition that we almost immediately proceeded to an agreement on the banning of underground nuclear explosions -- to remove this controversial part of the matter from the context of the non-proliferation treaty. However, as matters now stand the Mexican suggestion might suffice for the time being, provided that there is a positive reply to the question of interpretation of the word "non-discriminatory", which I have just raised.

16. Another proposal by the representative of Mexico deals with the present article IV of the treaty as submitted in the main drafts. The way in which it deals with the development of research, production and use of nuclear energy, as well as with the exchange of information on the further development of the application of

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nuclear energy for peaceful purposes, is in line with the thinking of my Government on this important matter. We have no objections to the proposal made by Mr. Castañeda that the article should be split up into two paragraphs, with an increased emphasis being put on the duty of the technically most developed countries to contribute actively to a process of developing in all countries the capacity for using the important, and in many cases vital, future source of energy which nuclear power constitutes. Again, it is a suggestion on which we should welcome comments from the co-Chairmen.

17. Further debate on this matter must centre particularly on what might be a moot point: the interpretation of the expression in the suggested paragraph 2 "according to their ability". Mr. Castañeda said that that phrase --

"... refers not only to the parties' financial and technical ability but also to their legal ability, since much of this knowledge is covered by patents owned by private persons." (ENDC/PV.331, para.11)

That is in fact a very important distinction. The "duty" to co-operate of which the new draft paragraph speaks cannot, of course, go beyond what is possible according to the internal legal structure of each member State, or cut into rights or contracts belonging to individuals or companies. It is therefore, as Mr. Castañeda himself characterized it, "an imperfect obligation"; (ibid.) but it might nevertheless be of certain importance as an inspiration for further initiatives in the field of international co-operation in the peaceful uses of nuclear energy.

18. One point -- the most important of all -- on which many, if not all, non-nuclear-weapon States have stressed their need to be reassured concerns the degree of enforceable linking of the non-proliferation treaty to an urgent continuation of the process of disarmament. I have already pointed out in my last intervention -- as I have done on several earlier occasions --

"... that one of our preoccupations concerns the desire to see inscribed in the treaty more binding obligations on the main Powers to regard this treaty as only a first step on the road towards nuclear disarmament, soon to be followed by others, notably a treaty banning underground nuclear tests and a cut-off agreement. The non-proliferation treaty has to be seen as a part, and only a part, of an integrated whole of partial disarmament measures in the field of nuclear arms." (ENDC/PV.327, para.20)

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19. That aspect of the treaty before us cannot be emphasized strongly enough. Can we, the smaller and more defenceless nations, which are asked to forswear the most powerful weaponry that has ever been produced by man, feel certain that the main Powers will continue negotiations in order to arrive rapidly at international agreements on other partial disarmament matters which would also inhibit to some extent their own freedom of action in the nuclear field and thus inhibit the nuclear arms race? I repeat --- and I know I can easily be accused of being very repetitive --- that foremost are two such disarmament measures which have been well prepared and on which the technical possibilities for agreement seem at hand: namely, a comprehensive test ban and a cut-off agreement.

20. Naturally the delegations of non-nuclear-weapon States have been studying the proposed treaty text with particular keenness, in order to see whether and to what extent assurances for a continued disarmament process could be found in the text. Many have surely been disappointed at the absence from the operative part of the treaty of an article containing such assurances. The declaration of intention in the preamble "to achieve at the earliest possible date the cessation of the nuclear arms race" is, of course, welcome in itself; but it is understandable if we --- who have repeatedly recommended a "package of measures" or at least "simultaneous negotiations" about such measures, or, to use the terminology of the joint memoranda of 1965 and 1966 of the eight non-aligned members of the Eighteen-Nation Disarmament Committee, measures "coupled with or followed by tangible steps to halt the nuclear arms race" (ENDC/158, 178) --- feel the need for firmer reassurances.

21. The representative of Mexico has taken an important step forward in that direction. In his proposed article IV-C there is included a straightforward commitment on the part of the nuclear-weapon Powers to pursue negotiations in good faith and with speed and perseverance to arrive at further agreements, among them notably a comprehensive test ban and a cut-off agreement. My delegation agrees fully with the understanding of the legal character of such an undertaking expressed by Mr. Castañeda when he presented the Mexican proposal:

"... the nuclear Powers cannot actually undertake to conclude future disarmament agreements among themselves; but they certainly can undertake to endeavour to do so; that is, they can certainly undertake to initiate and pursue negotiations in good faith in order to conclude such agreements". (ENDC/PV.331, para. 19)

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22. The reply to that proposal is most crucial. The whole problem is also connected with the system of amendments, review and withdrawal embodied in the draft treaty. As a matter of fact any obligation to proceed with further disarmament measures has only that tenuous link with the treaty. There could, of course, be no outright sanctions prescribed; but there is the provision that, although at quite a distant date, the pledge could be scrutinized at the review conference proposed in article V, paragraph 3, a clause in which it is said that five years after the entry into force of the treaty a conference of the parties shall be held with a view to assuring that the purposes and provisions of the treaty are being realized.

23. I emphasize "purposes" and not only "provisions". The representative of the United States, Mr. Foster, strongly implied in his statement on 14 September that the review conference would be competent to pass judgement on that vital character of the treaty:

"... we have embodied in the text a declaration of intention to halt the nuclear arms race. The text also contains a provision for a review conference to make more effective this and other statements of purpose." (ENDC/PV.330, para. 13)

The proposal made by the Mexican delegation would serve to formalize that obligation. We must consider such a provision to be a critically necessary element in the treaty in order to ensure -- as the representative of Romania put it in his statement at our last meeting --

"The effectiveness, stability and power of attraction of an agreement designed to prevent... proliferation" (ENDC/PV.334, para. 59)

24. As an assurance that the supreme interests of a party will not be injured by its adherence to the treaty, there is further the withdrawal clause contained in article VII, according to which each party has the right to withdraw from the treaty if it decides that extraordinary events, related to the subject matter of the treaty, have jeopardized its supreme interests. That is also a provision which many countries will consider of great importance when making the final judgement on the value of the treaty as a whole.

25. In keeping with the spirit of the purpose which prompted me to make these remarks, I would suggest that the preamble would give a much greater emphasis to the sequence of the disarmament negotiations and to their urgency if a new paragraph were introduced, in connexion with the declaration of intent, to the following effect:

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"Recalling in particular the pledge made by the original parties to the partial test-ban Treaty in its preamble of seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, and determined to continue negotiations to this end".

26. If I sound worried about the prospects for disarmament in the future, it is because I am worried. I believe the greater part of mankind is deeply worried, and more so today than when we began our session this spring. This is very much a question of a psychological climate within our peoples: can they trust that the future will be marked by more and more disarmament and not by more and more armaments? The recent news about the escalating of the deployment of anti-ballistic-missile systems, and the lack of any sign of mutual agreement on a moratorium on such deployment, undoubtedly lead us in a pessimistic direction -- very pessimistic indeed.

27. However, even against this bleak background I wish to state once more the importance which my Government attaches to this endeavour of ours to reach agreement on a non-proliferation treaty. We must all realize that the text which will, we hope, eventually be recommended cannot be a perfect one. All delegations will have to make compromises between the desired and the possible. On the other hand, the ideas for improvements that have been and may still be put forward in this Committee must be given the same careful study by everybody as the original draft treaty text presented by the United States and the Soviet Union. Only by working together in a co-operative spirit of give and take can the Committee achieve the desired result and recommend with good conscience to the General Assembly the adoption of a final text. Let us hope that there is still enough time and good will on all sides to enable us to accomplish this task.

The Conference decided to issue the following communiqué:

"The Conference of the Eighteen-Nation Committee on Disarmament today held its 335th plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador N. Ecobesco, representative of Romania.

"A statement was made by the representative of Sweden.

"The next meeting of the Conference will be held on Thursday, 5 October 1967, at 10.30 a.m."

The meeting rose at 11.15 a.m.

